

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL ANTICIPATORY BAIL APPLICATION NO.1915 OF 2018

1. Ramdas Dagdu Waghmare, Age 37 years,
Occ.Social Worker, R/o.207, Sai Daya Apartment,
Nallasopara (E), Tal.Vasai, Dist.Palghar.

2. Prashant Pradeep Bhosale, Age 31 years,
Occ.Social Worker, R/o.Room No.2,
Sai Dharshan Apartment, Gandhi Chowk,
hool Pada, Virar (E), Tal.Vasai.

Applicants

versus

The State of Maharashtra

Respondent

Ms.Kusum Pandey for applicants.

Mr.A.R.Kapadnis, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 5th October 2018

PC :

1. This is an application for anticipatory bail. The applicant is apprehending arrest in CR No.I-368 of 2018 registered with Kasturba Marg Police Station under Sections 143, 147, 149, 452, 380, 352, 504, 506(2) of Indian Penal Code. The applicants preferred application for bail before the Sessions Court which has been rejected.

2. The dispute appears to be that on 13th August 2018 the accused- applicants have formed unlawful assembly and trespassed into the house of first informant with intention to take wrongful possession of the premises and have allegedly committed theft of electric items, furniture and other household items valued at Rs.30,000/-. It is also alleged that on 13th August 2018, without any

authority, an agreement was executed in favour of accused Milind Wagh for getting wrongful possession of the house.

3. The main accused Milind Wagh was arrested by police and he was produced before the Court for remand. The remand Court refused to grant police custody vide order dated 14th August 2018. The Court had observed that the dispute between the parties appears to be regarding purchase of house and considering the facts and circumstances of the case and nature of offence, detention of the accused in police custody does not appear to be justified.

4. In the light of said observations, the applicants cannot be subjected to police custody. The applicants can be put to terms while granting anticipatory bail. Hence, I pass following order :

ORDER

- (i) In the event of arrest of applicants in connection with CR No.I-368 of 2018 registered with Kasturba Marg Police Station, the applicants be released on bail on executing PR bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- (ii) The applicants shall attend the investigating officer of Kasturba Marg Police Station once in a week on every Saturday between 10 am and 12 noon till filing of charge sheet;
- (iii) The applicants shall not tamper with evidence;
- (iv) Criminal Anticipatory Bail Application No.1915 of 2018 is disposed off.

(PRAKASH D. NAIK, J.)